

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

-vs-

JERAD JOHN KYNASTON (1),  
SAMUEL MICHAEL DOYLE (2),  
COREY EDWARD MOBLEY (3),  
PETER MICHAEL MAGANA (4),  
BRICE CHRISTIAN DAVIS (5),  
JAYDE DILLON EVANS (6),  
TYLER SCOTT McKINLEY (7),

Defendants.

NO. CR-12-0016-WFN

ORDER

A first pretrial conference and motion hearing was held April 3, 2012. The Defendants were present and represented as set out in the table below:

Defendant	Custody	Counsel
Jerad John Kynaston (1)	√	Robert R. Fischer
Samuel Michael Doyle (2)	√	George P. Trejo, Jr.
Corey Edward Mobley (3)	No	Gerald R. Smith
Peter Michael Magana (4)	√	Robert F. Caruso
Brice Christian Davis (5)	No	David M. Miller
Jayde Dillon Evans (6)	No	Nicholas V. Vieth
Tyler Scott McKinley (7)	No	Richard D. Wall

Assistant United States Attorney Timothy Ohms represented the Government for Russell Smoot.

1 The Court addressed pending pretrial motions. The Court has reviewed the file and  
2 motions and is fully informed. This Order is entered to memorialize and supplement the oral  
3 rulings of the Court. Accordingly,

4 **IT IS ORDERED** that:

5 1. The Court queried each Defendant as to the accuracy of his name. The Defendants  
6 names shall be **CORRECTED** in the docket **and all future filings** to accurately reflect the  
7 Defendants' names as set out in the caption of this Order as follows:

- 8 ] (a) Defendant Kynaston's (1) true name is **JERAD JOHN KYNASTON**;  
9 (b) Defendant Doyle's (2) true name is **SAMUEL MICHAEL DOYLE**;  
10 (c) Defendant Mobley's (3) true name is **COREY EDWARD MOBLEY**;  
11 (d) Defendant Magana's (4) true name is **PETER MICHAEL MAGANA**;  
12 (e) Defendant Davis' (5) true name is **BRICE CHRISTIAN DAVIS**;  
13 (f) Defendant Evans' (6) true name is **JAYDE DILLON EVANS**; and  
14 (g) Defendant McKinley's (7) true name is **TYLER SCOTT MCKINLEY**.

15 2. Any motion filed by any Defendant in this multi-Defendant matter, which is not  
16 limited by its subject matter to the single Defendant filing the motion, shall be considered to  
17 be a motion filed on behalf of all co-Defendants. A co-Defendant who does not wish to join  
18 a particular motion shall file a notice to that effect. This will avoid the necessity of all  
19 Defendants filing duplicative motions.

20 3. The Government shall prepare and disclose, two weeks before trial, transcripts of  
21 the testimony of grand jury witnesses who will be witnesses at trial pursuant to Rule  
22 6(e)(3)(E)(i) of the Federal Rules of Criminal Procedure.

23 4. The Government shall disclose the identity of the confidential informant two  
24 weeks prior to trial if the Government plans to call the confidential informant as a witness.

25 5. Defendants' Motions to Continue Trial, filed March 20, 2012, **ECF Nos. 125 and**  
26 **127**, are **GRANTED**.

1 The Court finds that the ends of justice served by the granting of a continuance of  
2 the trial in this matter outweigh the best interests of the public and the Defendant in a speedy  
3 trial. A trial date of April 16, 2012 would unreasonably deny adequate time to investigate  
4 file appropriate motions, and provide effective assistance of counsel, taking into account the  
5 exercise of due diligence. 18 U.S.C. § 3161(h)(7).

6 6. The original trial date of April 16, 2012, is **STRICKEN and RESET to June 25,**  
7 **2012, at 9:00 a.m., in Spokane,** Washington.

8 7. All time from the trial date of April 16, 2012, to the new trial date of June 25,  
9 2012, is **EXCLUDED** for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(7). A  
10 waiver of speedy trial rights was signed by each Defendant.

11 8. The April 16, 2012 final pretrial conference and motion hearing is **STRICKEN**  
12 **and RESET to June 25, 2012, at 8:00 a.m., in Spokane,** Washington.

13 9. All time from the filing of Defendants' Motions to Continue on March 20, 2012,  
14 to the date of the hearing on April 3, 2012, is **EXCLUDED** for speedy trial calculations  
15 pursuant to 18 U.S.C. § 3161(h)(1)(D).

16 10. Trial briefs, motions in limine, requested voir dire and a set of proposed **JOINT**  
17 **JURY INSTRUCTIONS** shall be filed and served on or before **June 11, 2012.**

18 Jury instructions should only address issues that are unique to this case, and shall  
19 include instructions regarding the elements of each claim, any necessary definitions and a  
20 proposed verdict form. The Joint Proposed Jury Instructions shall include:

- 21 (a) The instructions on which the parties agree; and  
22 (b) Copies of instructions that are disputed (i.e., a copy of each party's proposed  
23 version of an instruction upon which they do not agree). All jury instructions from the most  
24 current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by  
25 number. The submission of the Joint Proposed Jury Instructions will satisfy the requirements  
26 of LR 51.1(c).

1 Each party shall address any objections they have to instructions proposed by any  
2 other party in a memorandum. The parties shall identify the specific portion of any proposed  
3 instruction to which they object and shall elaborate the basis for the objection. Objections  
4 asserting that an instruction sets forth an incorrect statement of law shall describe the legal  
5 authority that supports this objection. Failure to file an objection and supporting argument  
6 may be construed as consent to the adoption of an instruction proposed by another party.

7 11. The parties are requested to submit courtesy copies of witness and exhibit lists to  
8 the Court no later than **12:00 noon the Thursday before trial.**

9 12. An additional pretrial conference and motion hearing shall be held **May 31, 2012,**  
10 **at 9:30 a.m., in Spokane,** Washington.

11 (a) All additional motions shall be filed and served no later than **May 11, 2012.**

12 (b) Responses shall be filed and served no later than **May 18, 2012.**

13 13. Defendants' Motion for Joinder, filed March 23, 2012, **ECF No. 131,** is  
14 **GRANTED.**

15 The District Court Executive is directed to file this Order and provide copies to  
16 counsel.

17 **DATED** this 4th day of April, 2012.

18  
19  
20 04-03-12

21  
22  
23  
24  
25  
26  
s/ Wm. Fremming Nielsen  
WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE